

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**Peter COOPER**

Serial No.: 10/020,870

Filed: December 19, 2001

For: DIGITAL CAMERA

Atty. Docket No.: 004770.00522

Group Art Unit: 2622

Examiner: Mislch, Justin P.

Confirmation No.: 8801

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**Box AF**

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicant respectfully requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated in the below remarks. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

***Remarks***

Having received and reviewed the final Office Action dated August 3, 2006, Applicant respectfully submits that the standing rejections are based on one or more clear errors, and that the appeal process can be avoided through a pre-appeal brief review as set forth in the Official Gazette notice of July 12, 2005.

Applicant wishes to thank the Examiner for taking the time on November 6, 2006, to conduct a personal interview with Applicant's undersigned representatives. During the interview, claim 19 was discussed with regard to the Parulski reference (U.S. Patent No. 6,539,177, "Parulski"). In particular, the term "single composite image quality indicator" recited in claim 19 was discussed with respect to Parulski. Furthermore, Applicant agrees with and

adopts the Examiner's Interview Summary as an accurate description of the substance of interview, in conjunction with the following remarks, pursuant to MPEP § 713.04.

Additionally, Applicant submits that the pending rejections fail to address all the claim limitations, and exhibit clear factual and legal errors with respect to the cited reference. The specific error relied upon in this Pre-Appeal Brief Request for Review includes the following:

- The Office made clear error in relying on Parulski, as argued in Applicant's Amendment filed June 7, 2006, at pp. 6-8.

While Applicant believes the above point represents the clearest error made by the Office, Applicant reserves the right to appeal on other bases and errors. In addition, Applicant believes the rejections of other claims not identified above are also based on one or more Office errors. Applicant will address such issues on appeal should the appeal of this case proceed after the Office's consideration of this paper.

### CONCLUSION

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the review panel believes the application is not in condition for allowance or there are any questions, the review panel is invited to contact the undersigned at (202) 824-3156.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 4th day of December, 2006

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